

ORDINANCE NO. 1781

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING
CHAPTER 5.40, OF THE MILWAUKIE MUNICIPAL CODE.**

WHEREAS, Municipal Code Chapter 5.04 establishes the criteria for Liquor License Application -- Review Procedure; and

WHEREAS, the City Council of the City of Milwaukie wishes to ensure that the review is completed in a consistent and efficient manner; and

WHEREAS, the City Council of the City of Milwaukie finds that it is in the City's best interest to allow the City Manager to appoint a designee;

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS
FOLLOWS:**

Section 1. Milwaukie Municipal Code Chapter Section 5.40.020 is amended to read as follows: "The **City Manager** may require additional information as appropriate for conducting the investigations required for such City recommendations." (Ord. 1615 Sec. 2, 1987)

Section 2. Milwaukie Municipal Code Chapter Section 5.40.050 is amended to read as follows: "The **City Manager or designee** shall coordinate an investigation of each application to determine the appropriate City recommendation to the OLCC. The **City Manager or designee** shall provide a copy of each application to the affected City departments for investigation and report. Renewals of regular OLCC licenses or changes in the name of the business or name of an owner may be approved by the **City Manager or designee** without consideration by the Council and the application shall be endorsed as if it received Council approval. Reports from such departments shall be included in each staff recommendation to the Council." (Ord. 1615 Sec 5, 1987)

Section 3. Milwaukie Municipal Code Chapter Section 5.40.060 is amended to read as follows: "The **City Manager or designee** may make an unfavorable or conditionally favorable recommendation to the Council on any application if:" (Ord. 1615 Sec. 6, 1987)

Section 4. Milwaukie Municipal Code Chapter Section 5.40.070 is amended to read as follows: "All regular OLCC liquor license original applications shall be included on a Council agenda. If the **City Manager or designee** makes an unfavorable or conditionally favorable recommendation on

an original, renewal or name change application, or if a councilor requests, a public hearing shall be held to allow all interested parties a reasonable opportunity to be heard by the Council." (Ord. 1615 Sec. 7, 1987)

Section 5. Milwaukie Municipal Code Chapter Section 5.40.100 is amended to read as follows: "When a public hearing before the Council is held:

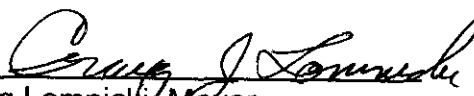
"A. The applicant and the **City Manager or designee** shall have the right to present written and oral evidence and shall have the right to rebut opposing evidence;" (Ord. 1615 Sec. 10, 1987)

Section 6. Milwaukie Municipal Code Chapter Section 5.40.110 is amended to read as follows: "If the Council finds that an applicant does not meet the criteria established by Section 5.40.060, it may make a favorable recommendation with a letter of warning. The **City Manager or designee** shall deliver to the applicant in person or by certified mail a summary of the reports relating to the application, and a notice to correct the problems cited. A copy of this notice and summary shall be sent to OLCC. During the following license period, the **City Manager or designee** shall monitor the progress of the applicant in correcting such problems and report to the Council." (Ord. 1615 Sec. 11, 1987)

Read the first time on March 7, 1995, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on March 7, 1995.

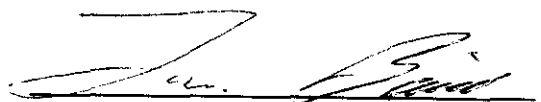
Signed by the Mayor on March 7, 1995.


Craig Lomnicki, Mayor

ATTEST:


Pat DuVal, City Recorder

Approved as to form:


O'Donnell, Ramis, Crew & Corrigan
City Attorney

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